IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 875 of 2006

Date of Decision: 10.11.2006

Lot Ram … Petitioner.

Versus.

State of H.P & ors. .. Respondents.

Coram:

The Hon'ble Mr. Justice Deepak Gupta, Judge.

Whether approved for Reporting?

For the Petitioner(s): **Mr.G.R.Palsra, Advocate.**

For the Respondent(s): **Mr. M.S.Chandel, Advocate General with Mr. J.K.Verma, Dy. Advocate General.**

Deepak Gupta, J.

The petitioner was employed as daily wage, Chowkidar with the Divisional Forest Officer, Wild Life, Manali District Kullu sometimes in the year 1997. The petitioner worked intermittently upto 2001 and his services were terminated on 24.1.2001. The petitioner aggrieved by the termination of his services, first approached the H.P.State Administrative Tribunal which rejected his petition on the ground that the Tribunal had no jurisdiction to entertain the same. Thereafter the petitioner approached the State Government for referring the matter to the Labour Court and the State Government made the following reference to the Labour Court:-

> "Whether the termination of services of Shri Lot Ram s/o Sh Chawantu Ram, Ex. Daily Wages Chowkidar by the Divisional Forest Officer (Wild Life), Kullu, H.P. w.e.f. 1.4.2001 without complying the provisions of he Industrial Disputes Act, 1947 on the completion of 240 days of continuous service is proper and justified? If not, what relief of service benefits Shri Lot Ram workman is entitled to?"

The Labour Court held that the petitioner had not completed 240 days of continue service prior to his service and, therefore, rejected his petition. It also rejected his prayer for re-employment on the same ground. Hence, the present petition.

The sole question to be decided is whether the petitioner had worked for a period of 240 days in the calendar year prior to his retrenchment or not. The petitioner himself has filed a copy of the men-days chart and according to this chart, the petitioner had not worked for a period of 240 days prior to the date of his termination.

The finding of the Labour Court is a pure finding of fact which is based on the material placed before it. The Labour Court has rightly come to the conclusion that the petitioner had not worked for 240 days prior to his termination of his service. Therefore, there is no merit in the petition which is accordingly dismissed.

(V.K.Gupta), C.J.

November 10, 2006 (Deepak Gupta), J.

(d)/s.